

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

SUNDANCE REHABILITATION,)	
CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	Case No. 04-3571-CV-S-FJG
)	
NEW VISION CARE ASSOCIATES II, INC.)	
and C.P. CARE ASSOCIATES, LLC.,)	
)	
Defendants.)	

ORDER

Currently pending before the Court is plaintiff's Motion to Preserve the Trial Date (Doc. # 134).

Plaintiff states that on October 31, 2005, plaintiff filed its Second Amended Complaint which alleged that Cheryl Parsons wholly dominated and controlled Rocky Ridge and New Vision and C.P. and used her control to fraudulently transfer and convey the assets of Rocky Ridge to New Vision and from New Vision to C.P. in order to avoid paying the debts and liabilities of Rocky Ridge. Plaintiff states that it requested judgement in its favor against Parsons in her personal capacity of \$167,144.96 in outstanding principal, plus interest charges, costs and attorney fees. On September 29, 2006, the Court granted plaintiff's motion for summary judgment against defendants New Vision Care Associates, II Inc. and C.P. Care Associates, LLC. Plaintiff states that the claim against Parsons in her personal capacity remains undetermined because the issue was not addressed in its summary judgment motion or in the Order granting the motion. Presumably, the issue was not addressed in the Summary Judgment motion

because it was filed two weeks before plaintiff filed the Second Amended Complaint, in which they sought to hold Ms. Parsons liable under the piercing the corporate veil theory.

The Court believes that this issue can be addressed by the parties through briefing, which may obviate the need for a trial on this issue. Therefore, the court hereby directs plaintiff to file a brief addressing this issue on or before October 30, 2006. Defendants will have until November 30, 2006 to respond and plaintiff shall thereafter file reply suggestions on or before December 15, 2006.

Therefore, the Court hereby **DENIES** plaintiff's Motion to Preserve the Trial Date (Doc. # 134).

Date: October 11, 2006
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
United States District Judge